

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CARL LANE,)
)
 Plaintiff,) Civil Action No. 04-952
)
 v.) Chief Judge Ambrose
)
 DEPUTY SHERIFF RILEY, et al.,) Magistrate Judge Caiazza
)
 Defendants.)

MEMORANDUM ORDER

Carl Lane's ("Lane" or "the Plaintiff") Complaint filed pursuant to 42 U.S.C. §1983 was received by the Clerk of Court on June 25, 2004, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report, filed on March 14, 2007, recommended that Defendant Riley's Motion to Dismiss (Doc. 152) be granted, and that the claims made with respect to unserved Defendant Reiter be dismissed sua sponte. The parties were allowed ten days from the date of service to file objections. The Plaintiff's objections were due on or before April 2, 2007. No objections have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 5th day of April, 2007,

IT IS HEREBY ORDERED that Defendant Riley's Motion to Dismiss (Doc. 152) is GRANTED. IT IS FURTHER ORDERED that the claims against unserved Defendant Reiter are DISMISSED.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 167), dated March 14, 2007, is adopted as the opinion of the court. The Clerk is directed to mark this case CLOSED.



s/Donetta Ambrose

Donetta Ambrose

Chief U.S. District Court Judge

CC:

Carl Lane, AS-1293
SCI Fayette
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